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ABBOTT LABORATORIES

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12 IN RE ABBOTT LABS NORVIR)
13 ANTITRUST LITIGATION)

Case No. C-04-1511 CW and
C-04-4203 CW
ORDER GRANTING AS MODIFIED
STIPULATION TO EXTEND TIME FOR
DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION TO ESTOP

DATE: December 20, 2007
TIME: 2:00 p.m.
DEPT: The Honorable Judge Wilken

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STIPULATION TO EXTEND DEFENDANT'S TIME TO RESPOND TO PLAINTIFF'S MOTION TO ESTOP

Case Nos. C-04-1511 CW and C-04-4203 CW

1 WHEREAS on November 15, 2007 Plaintiffs filed their Motion to Estop Defendant Abbott
 2 From Changing Asserted Date Of Invention Of The '036 Patent For Purposes Of Summary
 3 Judgment And Trial against Defendant Abbott Laboratories;

4 WHEREAS Abbott's Opposition Brief of up to 25 pages is currently due on November 29,
 5 2007, Plaintiffs' Reply Brief of up to 15 pages is currently due on December 6, 2007 and hearing on
 6 the same is set for December 20, 2007; and

7 WHEREAS Abbott seeks and Plaintiffs consent to a two day extension for Abbott to file its
 8 Opposition Brief;

9 **IT IS HEREBY STIPULATED AND AGREED** by and between the attorneys for
 10 Plaintiffs and Abbott that Abbott's Opposition Brief of up to 11 pages may be filed on December 3,
 11 2007 and Plaintiffs' Reply Brief of up to 7 pages may be filed on December 10, 2007. The parties
 12 both voluntarily agree to limit the length of their briefs to 11 pages (opposition) and 7 pages (reply)
 13 in recognition of their departure from the time lines set forth in Local Rule 7-3. Nothing herein shall
 14 change or otherwise affect any dates currently set per the Court's calendar with regard to Plaintiff's
 15 Motion to Estop, including the hearing on December 20, 2007.

16 Dated: November 29, 2007

By: /s/ Christopher T. Heffelfinger

Christopher T. Heffelfinger
 BERMAN DEVALERIO PEASE
 TABACCO BURT & PUCILLO
 Counsel for Plaintiffs

19 Dated: November 29, 2007

By: /s/ Nicole N. Norris

Nicole N. Norris
 WINSTON & STRAWN LLP
 Counsel for Defendant

22 **PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED , EXCEPT**
 23 **THAT REPLY BRIEF MUST BE FILED BY DECEMBER 7, 2007, AT 4:00 PM OR THE**
 24 **HEARING VACATED OR CONTINUED.**

25 Dated: 11/30/07

By: 

The Honorable Claudia Wilken
 United States District Court
 Northern District of California

GENERAL ORDER 45 ATTESTATION

I, Nicole N. Norris, am the ECF User whose ID and password was used to file this Stipulation to Extend Defendant's Time to Respond to Plaintiff's Motion to Estop. In compliance with General Order 45, X.B., I hereby attest that Christopher T. Heffelfinger, counsel for Plaintiffs, concurred in this filing.

Dated: November 29, 2007

By: /s/ Nicole N. Norris
Nicole N. Norris
WINSTON & STRAWN LLP
Counsel for Defendant

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101 California Street
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